

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.32115 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the fourth respondent in seizing petitioners' vehicles as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Government Pleaders for Home, Revenue, and Mines and Geology (Telangana).

3. A perusal of the record reveals that the fourth respondent has intercepted the vehicles (tractors and trailers) of the petitioners on 28.8.2016 at Cherlapalli Village alleging that sand was being transported in the vehicles illegally. It is the case of the petitioners that first petitioner is the owner of tractor and trailer bearing Nos.AP 36 AS 1807 & AP 36 AS 1808; second petitioner is the owner of tractor and trailer bearing Nos.TS 03 EE 7933 & TS 03 EE 7934; third petitioner is the owner of tractor and trailer bearing Nos.TS 02 EQ 1769 & AP 15K 7180; fourth petitioner is the owner of tractor and trailer bearing Nos.AP 36 AZ 5568 & AP 36 AZ 5569; fifth petitioner is the owner of tractor and trailer bearing Nos.TS 03 EL 2623 & TS 03 EL 2627; and sixth petitioner is the owner of tractor and trailer Nos.TS 03 EL 2522 & TS 03 EL 2523. It is the further case of the petitioners that the sand was being transported in the vehicles with valid permits. The petitioners submitted representation to the fourth respondent on 02.9.2016 for release of the vehicles.

4. At the time of the arguments, learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in Writ Petition No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed of directing the authorities to release the seized vehicles in terms of G.O.Ms.No.3, Industries and Commerce (Mines.I) Department, dated 08.01.2015 as amended by G.O.Ms.No.15, Industries & Commerce (Mines.I) Department, dated 19.02.2015.

4. While concurring with the aforesaid submissions made by the learned counsel for the petitioners, the learned Government Pleaders would submit that this writ petition may be disposed of in similar lines to the order of this Court in writ petition No.39888 of 2015.

5. In view of the above, the fourth respondent is hereby directed to consider the representation of the petitioners dated 02.9.2016 for release of their vehicles and pass appropriate orders thereon in the light of the aforementioned G.Os within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

September 21, 2016

NOTE:

Dispatch order copy in three days.

(By order)

YS